REMARKS/ARGUMENTS

Prior to this Amendment, claims 1-17 were pending in the application. With this Amendment, claim 1 is amended to include the limitations of previously submitted dependent claim 5 (which is canceled) to protect the concept of the monitoring tool transmitting collected data in a plurality of data chunks or smaller files rather than large files that may overwhelm the resources of a central site (especially when numerous ones of such monitoring tools transmit data to the central site). This feature is not shown by the art of record.

Independent claim 9 is amended to include the limitations of originally filed dependent claim 12 (which is canceled) to clarify that the monitoring application accesses a configuration file to determine which data collector modules to run and on which of the target devices the collectors will be run. This feature is not shown by the art of record.

New claims 18-23 are added to better protect features of the invention not shown by the art cited in the Office Action. Claim 15 is also canceled. No new matter is added by the amendments with support found at least in the originally filed claims and at page 11, lines 14-35 and page 13, line 4 to page 14, line 22. Claims 1-4, 6-11, 13, 14, and 16-23 remain for consideration by the Examiner.

Drawing Objections

In the Office Action, the corrected drawings were required as the filed drawings were informal. Formal drawings have been prepared and are included in the attached sheets.

Rejections Under 35 U.S.C. § 102

In the Office Action, claims 1, 2, 5, 6, 8-14 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,758,071 ("Burgess"). This rejection is respectfully traversed based on the amendments to the claims and the following remarks (and claims 5 and 12 are canceled).

Initially, it may be useful to discuss newly added independent claim 18 with reference to the teaching of Burgess. Claim 18 is directed to a method for monitoring information for a plurality of network devices. The method comprises starting a data collection tool on one of the network devices, e.g., the master machine 20 shown in Figure 2. A configuration file is then retrieved by the data collection tool and then used to "identify a set of the network devices to be monitored." Then, one or more data collectors is run on only the identified

network devices, with each of the collectors collecting differing sets of information. The collected data is then sent to the device running the data collection tool.

In dependent claim 19, the configuration file further comprises a listing of data collectors to be run on each of the devices. In claim 20, the configuration file further lists sets of information for the collectors to pass to the tool. Hence, the data collection tool uses the configuration file not only to select which network devices to monitor but also which collectors to run on each of such selected devices and which portions of the collected data to gather. Dependent claim 21 further calls for the tool to use a name service to obtain a list of remote host names identifying the network devices to be monitored, and in claim 22, the list of names is filtered using a set of filter rules.

Burgess fails to teach the method of claim 18 because it fails to teach a monitoring tool that processes a configuration file to determine which of a plurality of network devices to monitor. The Office Action cites Burgess at col. 16, lines 1-14 for teaching accessing a configuration file to associate a data collector with a network device, but at this citation, Burgess is merely claiming using a tracking program to obtain configuration data for a computer and sending the data over a network. Burgess in Figure 1 and related text teaches using a monitoring computer 14 with a monitoring and tracking listener 18 to communicate with a monitoring and tracking agent 16 running on a monitored computer 12 to obtain performance data (see col. 4, line 1) and current system configuration data (see col. 4, lines 32-36). The agent 16 is described with reference to Figure 3 as including a number of threads and a configuration procedure that are used either upon startup (the configuration procedure) or on an ongoing or periodic basis (the threads) to gather performance and configuration information for the monitored device 12. Apparently, the threads and configuration procedure are run on all monitored computers 12 in the network 10 of Figure 1, and Burgess provides no teaching about the desirability of deciding on the fly (i.e., at startup of the monitoring and tracking listener 18) which of the monitored computers 12 to monitor. Hence, all of the features of claim 18 are not shown or suggested by Burgess, and claim 18, and claims 19-22 which depend there from, is allowable.

Further, Burgess fails to teach as required by claim 19 the use of the configuration file to instruct the data collection tool which data collectors to run on the devices selected for monitoring. Burgess teaches that the agent 16 includes several threads and a configuration

procedure but fails to teach selectively running one or more of these on a particular device or of doing so in response to processing a configuration file at start up of the listener 18. Further, claim 20 calls for the configuration file to define portions of the collected data to be passed to the data collection tool. Burgess provides no teaching of passing select set or portions of the gathered data and certainly not in response to the contents of a configuration file. Claims 21 and 22 expand on how the devices to be monitored are selected, and this feature is not shown or suggested by Burgess in which the monitored computers 12 are simply set prior to operating the network 10 of Figure 1. For these additional reasons, dependent claims 19-22 are believed in condition for allowance.

Turning now to independent claim 9, claim 9 is directed to a system that includes a monitoring application and data collector modules. The monitoring application accesses "a configuration file to determine which of the data collector modules to run on which ones of the target devices." As discussed with reference to new claim 18, Burgess fails to teach a monitoring application that accesses a configuration file and then determines which of a set of data collector modules to run on which of a set of target devices. Burgess instead only teaches that the listener 18 acts to "gather the performance data" (see col. 4, lines 5-6) and "dispatches data and messages to one or more plug-in listener extensions 20" (see col. 4, lines 45-49). There is no teaching in Burgess of the listener 18 accessing a configuration file and then determining which set of collectors (such as portions of the agent 16) to run on which of the monitored devices 12. It is not even clear that the listener 18 has any active role in the agents 16 being run on the devices 12 but instead, appears to be a relatively passive component that awaits alerts and data from the active agent 16. Hence, claim 9 is not anticipated or suggested by Burgess and is in condition for allowance.

Turning now to claim 1, claim 1 is directed to a method that calls for a monitoring tool to upload collected data to a central site. As part of this uploading, the data is split into multiple data chunks or smaller files that are then transmitted to the central site. At the central site, the data chunks are merged into a data file that is then loaded into a database. The use of smaller chunks or smaller files rather than one large stream of data enables the central site to more effectively receive the data without congesting the receiving web server and more likely losing data. This is more important when the central site may be receiving collected data from numerous monitoring tools. This technique is different, as suggested in

the Office Action, than typical packetization used in digital transfer protocols, and to make this difference clearer, the use of data chunks is chosen rather than packets. The use of subsets of data or chunks also enables the monitoring tools to perform more effectively. Claim 23 is added to claim the idea that the configuration file processed by the monitoring tool (see dependent claim 6) may be used to define the size of the data chunk used by the monitoring tool. Burgess provides no teaching of sending the collected data from the agent 16 to the listener 18 in smaller chunks. Hence, claim 1 is not shown or suggested by Burgess.

Claim 2, 6, 8, 9, 11, 13, and 14 are dependent from claims 1 and 9. These claims are believed allowable at least for the reasons provided for allowing claims 1 and 9, respectively.

Rejections Under 35 U.S.C. § 103

Additionally, in the Office Action, claims 3, 4, 7, 8, and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Burgess in view of U.S. Patent No. 5,732,275 ("Kullick") further in view of what was known in art at the time of the invention. This rejection is traversed based on the amendments to the claims and the following remarks (with claim 15 being canceled).

Claims 3, 4, 7, 8, 16, and 17 are dependent from claims 1 and 9 which are believed to be in condition for allowance. Hence, claims 3, 4, 7, 8, 16, and 17 are believed allowable over Burgess taken alone or in combination with Kullick which fails to overcome the deficiencies in Burgess (e.g., Kullick does not teach transferring collected data in data chunks or subsets and then merging them at a central site and does not teach the uses of a configuration file by a monitoring tool as discussed with reference to claim 9).

Conclusions

The references made of record in the Office Action but not relied upon have been considered by Applicants and are considered no more relevant to the pending claims than the cited references. The pending claims are believed to be allowable in light of these references considered alone or in any combination.

No fee is believed due with this Amendment. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Date _1/14/04_

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Attachment: Replacement Sheets